

IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF MISSISSIPPI
GREENVILLE DIVISION

JOE NATHAN WOMACK,

PETITIONER

v.

NO. 4:05CV68-P-B

JODY BRADLEY, ET AL,

RESPONDENTS

ORDER DENYING MOTION FOR APPOINTMENT OF COUNSEL

This *pro se* habeas corpus petition was denied and dismissed as time-barred on March 22, 2005. On April 26, 2005, the court denied petitioner's motion for a certificate of appealability and motion to proceed *in forma pauperis* on appeal. Before the court is a motion to appoint counsel to represent petitioner to assist on appeal.

Rule 8(c), Rules Governing Section 2254 Cases in the United States District Courts, states as follows:

If an evidentiary hearing is required the judge shall appoint counsel for a petitioner who qualifies for the appointment of counsel under 18 U.S.C. § 3006A(g) and the hearing shall be conducted as promptly as practicable, having regard for the need of counsel for both parties for adequate time for investigation and preparation. These rules do not limit the appointment of counsel under 18 U.S.C. § 3006A at any stage of the case if the interest of justice so requires.

The case has been dismissed because the petition was not filed within the time allowed by the statute of limitations so clearly at this point no evidentiary hearing is required. Additionally, petitioner has provided nothing that convinces the court that the interests of justice require the appointment of counsel and the court can find no reason why the interests of justice require it. Accordingly, the motion for appointment of counsel is **denied**.

SO ORDERED, this the 18th day of May, 2005.

/s/ W. Allen Pepper, Jr.
W. ALLEN PEPPER, JR.
UNITED STATES DISTRICT JUDGE